

introduced the National Amber Alert Network Act to aid in the recovery of abducted children. Last year, Committee Chairman LEAHY, 1 week after it was introduced, held a hearing on the AMBER plan, and then we passed the bill by unanimous consent in both the Judiciary Committee and the full Senate when it was under the Democrats' control. Such quick and dynamic action on legislation is unheard of around here, but that is proof positive of the overwhelming support that exists for what is really a nonpartisan issue.

Unfortunately, the House of Representatives refused to pass a national AMBER Alert network. They refused to pass this act because they said they didn't like it as a stand-alone bill. They wanted it part of something else—part of something else being part of nothing. It is unknown to me how many children's lives would have been saved if we had had a national AMBER Alert. We know, with the situation we had in California, that it really works.

This year, the Senate again, under the leadership of Senator HATCH, rapidly passed unanimously this bipartisan legislation. But once again the House of Representatives—the leadership of the House of Representatives, Republican leadership of the House of Representatives—is refusing to act quickly on this bipartisan AMBER Alert bill.

I served in the House of Representatives. They could pass this legislation in a matter of hours—not days, hours. Ed Smart, Elizabeth's father, has called upon the House of Representatives to pass this noncontroversial Senate-passed AMBER Alert bill. I agree this is the proper course and the fastest way to protect our children from danger.

In fact, I am confused as to exactly why the House Republican leaders refuse to pass this bill since they agreed to include in the fiscal year 2003 omnibus spending bill \$2.5 million for AMBER Alert grants. The House leadership still, however, chooses to ignore the bill that the Senate has twice passed under the bipartisan leadership of Senators HATCH and LEAHY, once when Senator LEAHY was chairman, once when Senator HATCH was chairman. To include AMBER legislation as a provision in an omnibus bill, standing alone, or in any other capacity, it doesn't matter to us.

I hope the successful recovery of Elizabeth Smart and her father's call for passage of the Senate-passed bill today moves the House Republican leadership to not play politics and promptly let this National AMBER Alert Network Act pass as a stand-alone measure—next week. They could do it tonight. I know how the House works.

The AMBER plan has been credited with the recovery of 49 children nationwide, 49 children who have been reunited happily with their parents. Mr. President, 38 States have a statewide plan. Officials in those States that do

not yet have AMBER plans are working toward establishing the AMBER Alert system, and one of the aims of this bill is to help towns, counties, and States all over America to build and support systems to broadcast AMBER Alerts.

Our bipartisan legislation creates a national AMBER Alert coordinator at the Justice Department to work with States, broadcasters, and law enforcement agencies to set up AMBER Alert plans, to serve as a point of contact to supplement existing AMBER plans, and facilitate appropriate regional coordination of AMBER Alerts.

As I was eating dinner last night, watching Larry King, I was so impressed with the enthusiasm, hope, and glee demonstrated by the family of Elizabeth Smart. Of course, we all recognize the father in tears, saying how happy he was, why haven't we passed this legislation. Today, when he has learned the real facts, he is saying: Why hasn't the House passed this legislation?

This legislation also directs the coordinator in the Justice Department to establish voluntary guidelines for minimum standards for AMBER Alerts and their dissemination. As a result, the bill helps kidnap victims while preserving flexibility for the States. Developing and enhancing the AMBER Alert system is a costly endeavor for States to take on alone. So to share the burden, the bill establishes two Federal grant programs managed by the Justice and Transportation Departments for such activities as information dissemination on abducted children and suspected kidnappers, and for necessary AMBER Alert equipment.

Our Nation's children, parents, and grandparents deserve our help to stop the disturbing trend of children's abductions—to let everyone know they are helping by their taxpayer dollars going to a national system. Everyone can then say, "I have done my share." I think we have a program here that really helps.

In the State of Israel, which every day faces terrorist threats and activities, 90 percent of the terrorist activities are thwarted as a result of citizens, people of good will, seeing something that doesn't look right and calling law enforcement. If there is something going on next-door, on the block, something in their city that they see, or in their neighborhood, they can complain to authorities, and it helps. That is what happened here.

We had people in Salt Lake City—actually, Sandy, UT—who I am sure said: I don't know if I am doing the right thing, but I think this could be Elizabeth. A little girl with a wig—a little girl? She is a teenager—she has been gone almost a year—with a wig and some kind of mask over her face, a veil, as they call it.

But these people of good will said: You know—I am sure I am thinking what they must have thought—this is going to be humiliating to me, if I stop

these people. Maybe they are religious people, maybe this is part of their religious garb and costume. Maybe I'll embarrass them and me. But what if I let them go, walk by, and I haven't done anything about that, and this is Elizabeth?

For whatever reason, they decided to become intervenors. She stepped forward, and said: I think this is Elizabeth. Sure enough, it was. The little girl had a wig on and a veil. She said: I am Elizabeth Smart. As a result of that, she was reunited with her parents.

We don't know. We will never know what that girl has gone through. We don't know all of it. I personally don't know if she was brainwashed, as was Patty Hearst. I don't know anything about it. But I know there are some happy people in Salt Lake City today. Not only the family, not only the family, but all over Salt Lake City, the State of Utah, the neighboring State of Nevada, but the whole country is celebrating a successful conclusion to a kidnapping, an event which doesn't happen that much.

I hope the House of Representatives' conscience will be pricked and they will reach out and do something quickly which they have the capability of doing and allowing the national AMBER Alert program to pass. It should pass not in this congressional session, not this month, but next week, and early in the week. That is my desire. I hope we follow through on it.

THE SAFE RETURN OF ELIZABETH SMART

Mr. HATCH. Mr. President, I express my deep-felt feelings about the answer to all of our prayers in Utah. There has never been a State where virtually everybody got on their knees and prayed for the return of this young woman, Elizabeth Smart.

I have to tell you, we believe in miracles out there. We have seen them time after time after time. But I have to admit, most people had pretty much given up. They were thinking, well, that poor soul undoubtedly had to have been murdered. But her father and her mother never gave up.

They were in my office just a short while ago saying: We are going to find her. We believe she is alive—praying every day, fasting for their daughter. People in Utah fast and pray in these situations.

I have to tell you, I was so thrilled last night to see they finally found her.

I could hardly get to sleep.

I want to pay tribute to that wonderful family and her neighbors. Jake Garn and Kathleen Garn are two of the neighbors. I have to tell you, they both have been of tremendous help and bolsters, as have all of the neighbors, to the Smart family. Jake has moved heaven and earth for them. He has talked to me, worked with me, worked with others. His wife Kathleen is as good as it gets. She is a wonderful

human being. I know she was over there all the time, giving solace, support, comfort. It is typical of these two, who served in the Senate with us for so many years and did such a great job, to continue to do a great job in our home State. That family really deserves a lot of credit. Not only the immediate family but the extended family exercised their faith and prayers on behalf of this young woman.

I hope everything is OK with her. It is certainly OK compared to what she has gone through. I hope everybody who knows her and knows that family will lend support and solace and comfort to help them to reunite in every way and help this young woman to overcome the terrible experience she has had over the last 9 months.

AMERICA'S COMMITMENT TO INTERNATIONAL LAW

Mr. BINGAMAN. Mr. President, when future generations reflect on the fallout from the terrorist attack of 9/11/2001, I fear they will see our own commitment to international law as a casualty of that event. I do.

For some time now, there has been a contest within the U.S. foreign policy establishment between those who believe our greater security lies with the strengthening of international institutions and agreements, on the one hand, and, on the other, those who believe our security is enhanced if we demonstrate the will and capacity to prevail; that is, to dominate the new world and shape it to our liking.

The election of President Bush and the attack of 9/11 have moved U.S. policy to endorse this second vision—that of U.S. dominance of a world that meets our standards of acceptable conduct.

The result of this shift in U.S. foreign policy is now evident in the statements and actions of the President regarding Iraq. Unless I misread those statements by the President and his foreign policy team, sometime within the next few days, the United States, and possibly British, troops will begin an invasion of Iraq. The mission, according to the President, will be to disarm Saddam Hussein, to capture and destroy his weapons of mass destruction, to liberate the people of Iraq from his despotic rule, to install a new and democratic government, and to hold up Iraq as a model for freedom and democracy that can be emulated by other Middle Eastern countries.

These are noble objectives. My concern is not with the objectives but with the apparent decision the President has made to proceed with an invasion now while many Americans and many of our traditional allies believe that alternatives to war still exist.

In his State of the Union Address, the President spoke about a circumstance where “war is forced upon us.” After the President spoke, I came to the Senate floor to make what I considered an obvious point; that is, that war had not

been forced upon us. It is still my view today that war with Iraq has not been forced upon us. Our allies who are urging that the U.N. weapons inspectors be given more time to do their work agree with that view.

In the report to the Security Council last Friday, Hans Blix and Mohamed ElBaradai, the heads of the U.N. inspection teams, reported progress toward the goal of ensuring that Iraq has been disarmed. They pointed out that more cooperation by Iraq is needed, but they acknowledged that cooperation has increased.

President Bush and Secretary of State Powell have correctly pointed out that Iraq's increased level of cooperation does not constitute full compliance with Security Council Resolution 1441, in that Iraq has not fully, completely, and immediately disarmed.

The question is whether this failure to fully comply with the U.N. resolution justifies an armed invasion of Iraq at this time. Many Security Council members believe it does not, and, in my view, it does not.

Our Government's position appears to be that we will enforce the U.N. Security Council resolution even though the Security Council itself does not support that action at this time. In other words, we will act in coordination with the views of the world community of nations as long as those views agree with our own. When those views differ from our own, we will use our great military capability to impose our will by force.

I, for one, can support a policy of imposing our will by force, notwithstanding the views of our allies, if there is an imminent threat to our own security and if all options, other than war, have been exhausted. But neither of those circumstances prevails today.

A decision to wage war at this time, absent the support of our traditional allies, contradicts the foreign policy on which this Nation has been grounded for many decades. It undermines the international institution that previous U.S. administrations worked to establish as an instrument for world peace. It clearly signals that even absent an imminent threat to our security, we consider ourselves the ultimate arbiter of acceptable behavior by other governments and that we will act to “change regimes” when we determine the actions of other governments to be unacceptable.

Madam President, this is an unwise and dangerous precedent for us to establish. Stripped of its niceties, it is essentially a foreign policy premised on the belief that “might makes right.” At this point in world history, we have the might and, therefore, accommodating the views of others seems a low priority. But the day will surely come when others also have the might, and then we may wish we had shown restraint so that we can argue that others should as well.

There is a famous scene from “A Man For All Seasons,” the magnificent play

Robert Bolt wrote, about the conflict between Sir Thomas More, a man of conscience and the law, and his sovereign, Henry VIII.

More and Roper, his son-in-law, are arguing about the law at this point in the play. Their conversation is instructive. Roper, the son-in-law, exclaims: “So now you'd give the Devil benefit of law!” More replies: “Yes. What would you do? Cut a great road through the law to get after the Devil?” Roper says: “I'd cut down every law in England to do that,” to which More responds: “. . . And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast . . . and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then?” “Yes, I'd give the Devil benefit of law, for my own safety's sake.”

I submit that if the United States determines to circumvent the U.N. in this case, the Devil may well turn round on us, and we could reap the whirlwind for years to come.

I yield the floor.

HOUSTON, WE HAVE A PROBLEM

Mr. LEAHY. Mr. President, after years of shortchanging our nation's crime labs, the Administration has unveiled a proposal to spend more than \$1 billion over five years on forensic DNA programs. This proposal is overdue, but it is welcome, and it will make a difference.

For two years I have repeatedly urged the Administration and House Republicans to fully fund existing programs aimed at eliminating the DNA backlog crisis and, in particular, the inexcusable backlog of untested rape kits. Until now, the Justice Department has simply refused to make this a high priority. In the meantime, untested critical evidence has been piling up while rapists and killers remain at large, while victims continue to anguish, and while statutes of limitation expire.

I am pleased that the Administration's new commitment to funding DNA programs includes \$5 million a year for post-conviction DNA tests that can be used by inmates to prove their innocence. Post-conviction DNA testing has already been used to exonerate more than 120 prisoners nationwide, including 12 awaiting execution. Last year the Justice Department cancelled plans to spend \$750,000 on a post-conviction DNA testing initiative, and diverted the money to another program. It is heartening that the Department at last has recognized the importance of ensuring that the power of modern science, in the form of DNA testing, is available to help prosecutors and defendants alike establish the truth about guilt and innocence.

Clearly, DNA testing is critical to the effective administration of justice